

# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1711 Entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning 1110 South Fairmont Avenue (APN 031-120-53) From RCP, Residential Commercial Professional To Residential Garden Apartment"

**MEETING DATE:** June 5, 2002

**PREPARED BY:** City Clerk

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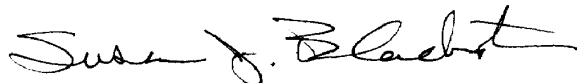
**RECOMMENDED ACTION:** Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1711.

**BACKGROUND INFORMATION:** Ordinance No. 1711 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning 1110 South Fairmont Avenue (APN 031-120-53) From RCP, Residential Commercial Professional To Residential Garden Apartment" was introduced at the regular City Council meeting of May 15, 2002.

Pursuant to State statute, ordinances may be adopted five days after their introductions following reading by title.

This Ordinance has been approved as to form by the City Attorney.

**FUNDING:** None required.



Susan J. Blackston  
City Clerk

Attachment

**APPROVED:** \_\_\_\_\_



H. Dixon Flynn -- City Manager

ORDINANCE NO. 1711

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING  
THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND  
THEREBY REZONING 1110 SOUTH FAIRMONT AVENUE  
(APN 031-120-53) FROM RCP, RESIDENTIAL COMMERCIAL  
PROFESSIONAL TO RESIDENTIAL GARDEN APARTMENT

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

Parcel located at 1110 South Fairmont (APN 031-120-53) is hereby rezoned from RCP, Residential Commercial Professional, to Residential Garden Apartment to permit construction of two duplexes, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk.

Section 2. The Planning Commission adopted Resolution No. P.C. 02-08 recommending approval of this request for a rezone at their meeting of April 10, 2002.

Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

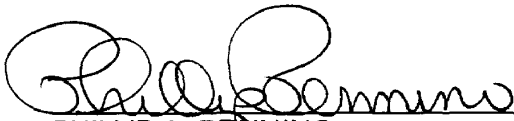
Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

Section 6. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 7. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 5<sup>th</sup> day of June, 2002

  
PHILLIP A. PENNINO  
Mayor

Attest:

  
SUSAN J. BLACKSTON  
City Clerk

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1711 was introduced at a regular meeting of the City Council of the City of Lodi held May 15, 2002 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held June 5, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land,  
Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None


ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1711 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

  
RANDALL A. HAYS  
City Attorney

